

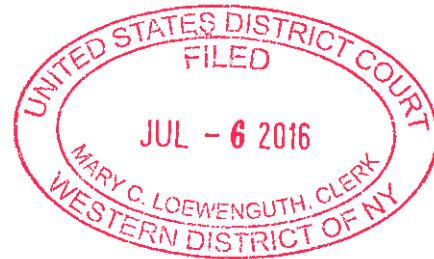
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK
Denny DeJesus 10-B-2030, Pro-Se
Plaintiff.

16 CV 6470 EAW

v.

Complaint
42 § U.S.C. 1983

Anthony Annucci Acting
Commissioner of DOCCS, Carl
Koenigsmann Deputy Commissioner
Chief medical officer, Karen
Ballemy DOCCS Director of Inmates
Grievance program, Jeffery A. Hale
DOCCS Employee, John Doe
Superintendent of Five Points C.F.,
M. Thoms Deputy Superintendent of
Administration at Five Points C.F.,
John DOe Mental Health Unit Chief
at Five Points C.F., Mandi Schultz
Inmate Grivance program supervisor
at Five Points C.F., SGT. Atwood
at Five Points C.F., SGT. Apachy
at Five Points C.F., C.O.
A. Mccargon at Five Points C.F.,
C.O. John Doe at Five Points C.F.



Defendants.

**CIVIL RIGHTS COMPLAINT
WITH JURY TRIAL DEMANDED.**

1. This is a section 1983 action filed by Denny DeJesus, 10-B-2030 Pro-Se, a Prisoner alleging violations of his state and federal constitutional rights all under the Fourth, Fifth, Sixth, Seventh, Eighth, and Fourteenth Amendments and is seeking Money Damages. The Plaintiff Requests a Jury Trial.

STATEMENT OF JURISDICTION

2. This is a civil action seeking relief and damages to defend and protect the rights guaranteed by the constitution of the united states. This action is Brought pursuant to 42 § U.S.C. section 1983. This court has Jurisdiction over the action pursuant to the Fourth, Fifth, Sixth, Seventh, Eighth, and Fourteenth Amendments and 28 U.S.C. § 1331, 1343(3) and (4), and 2201.

PARTIES TO THIS ACTION.

3. The defendant Anthony Annucci is DOCCS Acting Commissioner is and was at all relevant times herein responsible for the operation and management of all DOCCS Employees and oversee's all Correctional facilitys and Parole, and is in charge of ensureing that plaintiffs, Fourth, fifth, sixth, seventh, eighth, and Fourteenth amendments are not violated. The defendant was

Grossly negligent by ignoring copy's of Grievances that were sent to him to make sure that they got processed and not ignored, in which some grievances were destroyed and all he did was forward the letters to another defendant without properly investigateing the issues at hand and in which the defendants under him at DOCCS proceeded to perform unconstitutional acts and took it upon themselves to make sure "Insubordination" "Obstruction of Governmental Administration" CPL § 195.00 and Irrationality, Bordering on impropriety. He is being sued in his Individual and Official capacity and at all times acted under the color of state law.

4. The Defendant Carl Koenigsmann is DOCCS Deputy Commissioner Chief medical Officer, is and was at all relevant times herein responsible for the Operation and management and oversee's all C.F. Medical Operations and medical personal under him. In which the medical and mental health staff under him requirments were not met and my constitutional rights were violated and "Insubordination""Obstruction of Govenrmental Administration" CPL § 195.00 and Irrationality, Bordering on impropriety took place. He is being sued in his Individual and Official capacity, and at all times acted under the color of state law.

5. The Defendant Karen Ballemy is DOCCS Director of Inmates Grievance Program is and was all relevant times herein responsible for the operations and management of all Grievance program supervisors at all facilitys and ahs the authority to stop the plaintiffs Fourth,Fifth,Sixth,Seventh,Eighth, and Fourteenth amendments from being violated, once she recieved notice in which she did not stop even though multiple letters and copy's of grievances were sent to her, and anthony annucci in which he forwarded them to her and she also lied by stateing that my sexual assault grievance was forwarded on a certain date to CORC but never was. She took it upon herself to make sure that "Insubordination""Obstruction of Governmental Administration" CPL 195.00 and Irrationality,Bordering on impropriety took place. She is being sued in her individual and official capacity, and at all times acted under the color of state law.

6. The Defendant Jeffery A.Hale is a DOCCS Employee is and was at all relevant times herein responsible for the operation and management of all "upon knowledge and belief" CORC dicisions and assistant Director of inmate grievance program for all facilitys and has the authority to stop plaintiffs Fourth, Fifth,Sixth,Seventh,Eighth, and Fourteenth Amendments from being violated. He took it upon himself to make sure that "Insubordination""Obstruction of Governmental Administration" CPL 195.00 and Irrationality,Bordering on impropriety took place. He is being sued in his individual and Official capacity, and at all times acted under the color of state law.

7. The defendant John Doe is the Superintendent of Five

Points C.F. is and was at all relevant times herein responsible for the operations and management of all staff and supervisors includeing Administration under him at five points C.F., and has the authority and power to stop the plaintiff Fourth,Fifth, Sixth,Seventh,Eighth, and Fourteenth Amendments from being violated. He took it upon himself to make sure "Insubordination" "Obstruction of Governmental Administration" CPL 195.00 and Irrationality, Bordering on Impropriety. He is being sued in his Individual and Official capacity and at all times acted under the color of state law.

8. The Defendant M.Thoms is Deputy Superintendent of Administration of Five Points C.F. and was at times herein responsible for the operations and management of all staff under him and supervisors including Administration under him at five points C.F. and has the power and authority to stop plaintiff Fourth,Fifth,Sixth,Seventh,Eighth, and Fourteenth Amendments from being violated. He took it upon himself to make sure "Insubordination""Obstruction of Governmental Administration" CPL 195.00 and Irrationality,Bordering on Impropriety. He is being sued in his Individual and Official capacity and at all times acted under the color of state law.

9. The Defendant John Doe is Mental Health unit chief at Five Points C.F. and at all relevant times herein responsible for the operations and management of all mental health staff and supervisors and has the authority and power to stop the plaintiff Fourth,Fifth,Sixth,Seventh,Eighth, and Fourteenth Amendments from being violated. He/She took it upon thereself to make sure "Insubordination""Obstruction of Governmental Administration" CPL 195.00 and Irrationality,Bordering on Impropriety. He is being sued in his Individual and Official capacity and at all times acted under the color of state law.

10. The Defendant Mandi Schultz is Inmate Grievance Supervisor at Five Points C.F. and was at all times relevant herein responsible for the operations and management of the Grievance Program which includes but not limited to, Processeing, recieveing, and forwarding to the next phase once deadline is past and giving dicisions upon investigations. She has the power and Authority to forward past deadlines dicisions such as Superintendent appeal dicisions to the next phase which was CORC upon notice. She took it upon herself to make sure "Insubordination""Obstruction of Governmental Administration" CPL 195.00 and Irrationality,Bordering on Impropriety took place. She is being sued in her Individual and Official capacity and at all times acted under the color of state law.

11. The Defendant SGT. Atwood is a sargeant at Five Points C.F. and was at all times relevant herein responsible for the Supervisory conduct of neglect and dereliction of duties. He took it upon himself to make sure "Insubordination""Obstruction of Governmental Administration" CPL 195.00 and Irrationality, Bordering on Impropriety took place. He is being sued in his Individual and Official capacity and at all times acted under

the color of state law.

12. The Defendant SGT. Apachy is a sargeant at Five Points C.F. and was at all times relevant herein responsible for the supervisory conduct of neglect and dereliction of duties. He took it upon himself to make sure "Insubordination""Obstruction of Governmental Administration" CPL 195.00 and Irationality, Bordering on Impropriety took place. He is being sued in his Individual and Official capacity and at all times acted under the color of state law.

13. the Defendant C.O A. Mccargon is a corectional Officer at Five Points C.F. and was at all times relevant herein for the "Insubordination" and violations of Correctional law 112,212,137,138, (7NYCRR). He is being sued in his Individual and Official capacity and at all times acted under the color of state law.

14. the Defendant C.O John Doe is a Correctional Officer at Five Points C.F. and was at all times Relevant herein for the "Insobordination" and Violations of Correctional law 112, 212,137,138, (7NYCRR) and for the sexual assault on the plaintiff and harm caused by the sexual assault by the defendant. He is being sued in his Individual and Official capacity and at all times acted under the color of state law.

PREVIOUS LAWSUITS IN FEDERAL COURT.

15. The plaintiff has a section 1983 pending trial on the date of october 31st 2016 and was just appointed counsel on 6-3-16. The case name is DeJesus V. Bradt el al, case number 6:13-cv-06066-EAW-JWF. The case is in the western district court of new york, and the case was filed on approx 2-8-13 and was referred to HON. Johnathan W.Feldman and was then Assigned to HON. Elizabeth A. Wolford.

FACTS.

16. On june 12th 2015 approx 12:50pm i started my way to law library which was Mod-2, when i reached the medal detector i handed the Officer my legal mail and walked threw the medal detector and didnt ring i continued to walk to law library but wa then pulled over by C.O John Doe for what i thought was a random pat-frisk but i thought wrong, because once he started to pat-frisk me and he got to my mid-section he places his left hand in my pants and boxers and not only fondled but also squeezed my testicals and penis and afte creating the excruciating pain, he held my testicals and penis for a few seconds then asked me "you like that freak" While the lost ability to scream hung in the air. The incident lasted approx 15-20 seconds. After the assault finished i continued to the law library although i had to deal with the pain to my testicals and penis. When law library finished i went back to my cell in which i noticed blood in my urine and felt a stinging sensation when i urinated

and i noticed that my testicals were swollen and they hurt alot. Which makes the Defendant liable under the Fourth,Fifth,Sixth, Seventh,Eighth, and Fourteenth Amendments, also under penal law § 70.02 1 (a) "sexual abuse,Aggravated".

17. On june 12th later on in the day i wrote to sick call, informing them that i wanted to speak to mental health and see a docter regarding a incident that happened to me that i got injured.

18. On 6-14-15 at approx 1:00am i was escorted out of my cell to the interview room in 10 block, in which SGT. Atwood and another SGT. wanted to know what the sick call slip was about, and when i explained to SGT. Atwood that i didnt feel comfortable talking to him about it because i feared retaliation of being set-up because im reporting a incident involving a C.O he then used threats of placeing me in restriction untill i explained the incident that i wrote to sick call about. Once he threatened me i explained what happened to me although i didnt feel comfortable in telling him but didnt want to be put in restriction. Which makes him liable under the Fourth,Fifth, Sixth,Seventh,Eighth, and Fourteenth Amendments

19.I was then escorted by a LT. to the infirmary once i agreed to go and when i got there i talked to what i assume was a male "nurse" and he asked me what happened and i explained and he said he wanted to obtain a urine sample so i agreed. At approx 2:45am the urine dip came up positive for blood in my urine. Then i was told by the nurse that i would be staying the night and he gave me Ibuprofen for my pain and discomfort to my testicals and penis in which i feel the cure is more damageing then the illness. Which makes carl Koenigsmann Deputy Commissioner Chief Medical Officer liable under the Fourth,Fifth, Sixth,Seventh,Eighth, and Fourteenth Amendments for not properly training Medical staff and for the Supervisory conduct of neglect and dereliction of duties.

20. On 6-15-15 i seen a nurse in which she obtained another urine sample and i gave to her at approx 9:30 - 10:00am.

21. On 6-15-15 at approx 11:00am i seen a docter in which asked me what happened and i explained and she checked my testicals and penis and noticed that my testicals were swollen. I then asked the nurse if there was still blood in the urine sample she obtained earlier and she said yes a little, then the docter informed me that mental health could not see me that day but will see me very soon mental health told her which she told me. which makes mental health unit chief liable under the Fourth,Fifth,Sixth,Seventh,Eighth, and Fourteenth Amendments, for ignoring not only letters to her but also referrals from Different employees at five points C.F. and a diagnosis from a docter that basicly ordered for me to see mental health But didnt untill 12 days after the prescribed date of the docter.

22. On 6-15-15 at approx 12:45pm i returned back to my cell in 10 block, and the nurse gave me more Ibuprofen before i left the infirmary for my pain and Discomfort to my testicals and penis. Which makes C. Koenigsmann Deputy Commissioner Chief Medical Officer liable for not properly training officials under him in the Fourth,Fifth,Sixth,Seventh,Eighth, and Fourteenth ~~not~~ Amendments. For not properly medicating me but also processing my injurys and treating me properly and he is responsible for the supervisory conduct of neglect and dereliction of duties.

23. On 6-16-15 i wrote to sick call to go see them because i ran out of pain medication "Ibuprofen". In which on 6-18-15 i seen a nurse in which she gave me more Ibuprofen for my pain to my testicals and penis.

24. On multiple times i wrote to mental health to speak to someone regarding my sexual assault incident and referrals were sent also for me to see mental health, and the superintendent was on notice by letters sent to him from me to see mental health in which he let mental health know "upon knowledge and belief" that i neede to speak to mental health due to a sexual assault incident that happend to me and i did not see mental health untill 2 weeks after the incident, even though a docter basicly ordered for me to speak to mental health on 6-15-15. But i didnt speak to mental health untill 6-26-15, in which the mental health unit chief is liable under the Fourth,Fifth,Sixth,Seventh,eighth, and fourteenth Amendments. Also for the supervisory conduct of neglect and dereliction of duties.

25. The proper medical and mental health procedures were not followed and staff was not properly trained to take care of a PREA victim, in which C. Koenigsmann is liable under the Fourth,Fifth,Sixth,Seventh,Eighth, and Fourteenth Amendments.

26. On approx 7-11-15 around approx 2:00pm i was called down to the interview room in 10 block, once down there SGT. Apachy asked me about a grievance i filed regarding cameras dissapearing so i explained because he asked what i needed the camera footage for and i told him to prove that i talked to a SGT. on 6-21-15 about wanting to speak to mental health and not seeing them even though i got sexually assaulted. He then asked me by who was i sexaully assaulted by and i told him one of his officers. Then he asked me if i told anyone else that i wanted to speak to mental health and i said yes i told a docter,nurse's and a SGT., he then asked me what SGT. and i told him SGT.Atwood. So after we finished talking he said i could go back to my cell, then at approx 3:20pm i got a cell search by 2 Officers in which Sgt. Atwood was the Block SGT.. The Officers searched only my property and C.O Mccargon threw some of my property away such as pen.highlighters,paper,marker,3 cassette tapes, and Koss R-10 headphones in which C.O Mccargon did not place none of those items that he took from my cell on the search slip, in which he should have but didnt. My cell

was trashed from the floor up only with my property and on the way out C.O Mccargon said to me "Write that up" and left with the other C.O. In which that is considered retaliation due to my sexual assault claim and trying to intimidate me to not write no more grievances or to write up C.O's. Which C.O. Mccargon and SGT. Atwood and SGT. Apachy is liable under the Fourth,Fifth, Sixth,Seventh,Eighth, and Fourteenth Amendments.

27. Due to my Grievances not getting filed i sent copys to Anthony Annucci and also notification of a certain Grievance that i wanted to be forwarded to CORC due to the pass of the deadline of the superintendent dicision, but he never responded and forwarded those letters to Karen Ballemy in which she tried to cover up the pass of deadline. Which makes him liable under the Fourth,Fifth,Sixth,Seventh,Eighth, and fourteenth Amendments for not only supervisory conduct of neglect and dereliction of duties but also not acting when put on notice of wrong doing that was happening to me by not only staff but DOCCS employees under him and failed to correct the wrong.

28. On multiple dates my foil requestes for camera footage was denied due to equipment malfunction, which i was told but "upon knowledge and belief" he was destroying and desgarding of camera footage so i have no evidence to back up my not only my grievances but also proof of me speaking to certain employees at five points C.F. but also to help me fight this 1983 claim. The deputy superintendent of Administration M.Thoms is liable under the Fourth,Fifth,Sixth,Seventh,Eighth, and Fourteenth Amendments for supervisory conduct of neglect and dereliction of duties.

29. On multiple dates i wrote to M.schultz not only about some grievances not being filed, but also my sexual assault not being forwarded to CORC and bypass the Superintendent dicision due to untimely dicision and the superintendent not responding. Although she has the power and Authority to forward the grievance to CORC she failed to correct the wrong and let such wrong doing continue although i notified her threw not only letters, but also "upon knowledge and belief" Albany notifying her because Albany was on notice of the violations that were accuring but she failed to correct the wrong. On approx dec-1 2015 i put in a grievance regarding me receiveing my superintendent dicision extremly passdue and she responded that she didnt know that the superintendent didnt answer although i wrote her multiple times asking and informing her to forward the superintendent appeal to CORC but she failed to correct the wrong which makes her liable under the Fourth,Fifth,Sixth,Seventh,Eighth, and Fourteenth Amendments, for also supervisory conduct of neglect and dereliction of duties.

30. On multiple dates i wrote to not only Anthony Annucci that notified the defendant karen ballemy but also i notified Karen Ballemy of the violations threw letters that were occurring with not only my grievances being destroyed but also my grievance not being forwarded to CORC due to pass of deadline for the

superintendent dicision which was the sexual assault grievance. Also she lied about grievances being forwarded on certain dates which never happened and is false. Which makes her liable under the Fourth,Fifth,Sixth,Seventh,Eighth, and Fourteenth Amendments, and for also supervisory conduct of neglect and dereliction of duties.

31. On 6-12-15 i had a incident in which i was sexually assault, and i wrote a grievance and let the superintendent know of the violations that have occurred to me threw letters and also let him know of other issues that have occurred that are also in this claim which include but not limited to mental health,retaliation, and cameras dissapearing, but not only did he not respond to my sexual assault grievance untill over 3½ months past the deadline, but also when he did give his dicision he lied and tried to cover up the sexual assault that happened to me by stateing that he found that i was in retailiation on the officer for a ticket i received on a certain date in which CORC reversed because i never received a ticket on the date he put but a year before that he reviewed the video footage and he came to the dicision that i never got pat-frisked, which is false because my family has a copy of the video footage and they seen me get pat-frisked on the video footage. Which makes the superintendent liable under the Fourth,Fifth,Sixth,Seventh, eighth, and fourteenth, Amendments and for supervisory conduct of neglect and dereliction of duties.

32. On approx 2-10-16 the CORC dicision was concluded by Jeffery A Hale in which he lied and agreed with the superintendent dicision on my sexual assault grievance, concluding that i did not get pat-frisked. If he did actually view the camera footage he would have seen that i did in fact get pat-frisked and seen the officer that pat-frisked me as i stated in my appeal to CORC but he failed to do so, in which he lied and agreed with the superintendent dicision. Also he responded to one of my letters to Anthony Annucci for Karen Ballemy in which he contradicts what Karen Ballemy stated in which she said that my sexual assault grievance was forwarded to CORC on july 19th 2015 due to the pass deadline of the superintendents dicision but was never forwarded as Karen Ballemy states, because on august 4th 2015 Jeffery hale responded to a letter for karen ballemy that Anthony Annucci forwarded to her and he stated that the superintendent did not make his dicision yet on the sexual assault grievance yet which contradicts what Karen Ballemy said about it was forwarded to CORC. Which make Jeffery A Hale liable under the Fourth,Fifth,Sixth,Seventh,Eighth, and Fourteenth Amendments also for supervisory conduct of neglect and dereliction of duties.

33. Jeffery A Hale also denied all other CORC appeals regarding,retaliation, cameras being down, and cameras being down and cameras costing to much in which i feel he also tried to cover up the facts in which i said in the grievances and denied all CORC appeals on those said issues "upon knowledge and belief" which makes him liable under the Fourth,Fifth, Sixth,Seventh,Eighth, and Fourteenth amendments.

34. On 2-10-16 my CORC dicision was made and i received it later on in the week, on the CORC dicision they not only tried to cover up the sexual assault incident but by saying that they reviewed the camera footage and did not see me get pat-frisked "in other words" because if they really did take the time to review the camera footage of my sexual assault they would have seen that i got pulled over and pat-frisked by a C.O, like i will show the court in due time. Not only is the superintendent liable under 1983 for lieing and trying to cover up my sexual assault, but also Anthony Annucci for being the boss of all DOCCS employees including CORC and Karen ballemy, and the rest of the defendants in this 1983 claim. Anthony Annucci is liable because not only was he on notice but also the employees under him failed to remedy the wrong, in which he being on notice failed to correct the wrong that they committed and let such actions continue, which makes him liable under the Fourth,Fifth,Sixth,Seventh,Eighth, and Fourteenth amendments.

35. Also i did not see not see Inspector General, which now is called "OSI" Office of Special Investigations untill i got transferred to marcy C.F. and i spoke to Dep.Kozak which "upon knowledge and belief" is the PREA corridinator for the Hub, which was approx 2½ months later or longer from the incident. None of the Defendants tried to contact OSI to inform them of my sexual assault incident by a officer. Not Anthony Annucci, Karen Ballemy, the superintendent of five points, the mental health unit chief,Mandi schultz, or SGT.Atwood got in contact with OSI "upon knowledge and belief" although they all knew of my sexual assault incident threw the grievance or letters to them or higher authority informing them. Which makes them liable under the fourth,Fifth,Sixth,Seventh,Eighth, and Fourteenth amendments also for supervisory conduct of neglect and dereliction of duties.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

36. On 6-26-15 my grievance regarding sexual assault was filed, i recieived the superintendent dicision on approx 11-30-15 and i appealed, but also i wrote a grievance to make sure it got forwarded to CORC and not curtailed like the superintendent intended. On approx Feb-10-2016 i received the CORC dicision in which reversed the superintendents dicision in part.

37. On approx 7-14-15 i wrote a grievance regarding retaliation on 8-21-15 igrc made there dicision and i appealed to the superintendent and received his dicision on approx 9-20-15 and i appealed to CORC and i received the dicision on 1-27-16.

38. On approx 7-17-15 i wrote a grievance regarding non-working cameras, i received the IGRC dicision and i appealed to the superintendent then after i recieived the superintendents dicision on 9-11-15, and i appealed to CORC and received the dicision on 11-18-15.

39. The court should grant relief requested to not only prevent the plaintiff but also other inmates from being sexually assaulted and also retaliated against for grievances that they might file or from reporting certain incidents regarding correctional officers when they are in the wrong and not be punished or set-up for it like the defendants did to the plaintiff.

WHEREFORE, plaintiff prays for judgement in his favor and damages in his favoer against the defendants in the amount suffucient to compensate him for not only the pain and suffering he had to go threw but also the humiliation and mental anguish the defendants made the plaintiff suffer due to the deliberate indiffernce and intentional disregard for his health and civil rights but also cruel and unusual punishment. The plaintiff preys for damage in the amount of 1,500,000 and such additional relief as this court may deem just and proper.

I DECLARE UNDER THE PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: June 24th, 2016

Respectfully Submitted,

Denny DeJesus 10-B-2030

Denny DeJesus 10-B-2030,
Marcy Correctional Facility
P.O box 3600
marcy, NY 13403

formal Complaintfirst grievance wrote and
Sent to IGRIC on 6-12-15

TO: Superintendent

TO: IGRIC

* this is the second grievance for the (6-26-15)
Same issue because did not receive response

Incident - my reason for writing this grievance is to report a incident that Happened to me on 6-12-15 around 1:00pm mod-2, which is 1 of two incidents that Happened with the same C.O, the incident Before this one I don't remember the exact date but I have had special access for approx 2 weeks before the incident and to the best of my knowledge, either mod-1 or mod-2 during those two weeks of special access he was there searching and the same incident Happened that I am about to explain.

Around 12:50pm on 6-12-15 I was on my way to law library for my special access, once I made it to the metal Detector right before the gate of the IGRIC office, and general library and law library I walked threw the metal Detector and grabbed my law work and was pulled over by a Corrections officer, which ordered me to get on the wall and put my legal paper on the floor, in which I Complied, once I placed my legal paper on the floor I placed my hand's on the wall, then he ordered me to step back in which I Complied and then told me not to move, He then asked me my cell location and I responded 10 block-B2-335 upon which he looked at my I.D, then he stated that How long have I been in this prison and If I was muslim, I respond about two years and yes I am muslim, I don't know what was the relevancy of asking if I was muslim or How long I been in this jail but I guess he asked if I was muslim because it was JUMAT Friday and there was a lot of muslim's going to JUMAT, he then started to pat frisk me. He started at my neck, then my arms and back and chest, then he went to my lower half. He proceeded

(Page #2 of grievance)

To place His left Hand in my Pant's White with His right Hand he was checking my Zipper area while Holding my pants out, so with his left hand he was not only Squeezing my testicals But Also my penis, And also fondling and groping, He caused pain to my penis and testicals which caused me pain and Burning Sensation when I pissed But Also I pissed Blood a Couple time's, which medical is aware of, And took Samples which did Contain Blood. A different Sample he Had Blood in the URINE GS I was told and I notice Because my urine was light Redish pink Color and it Burned, he Had His Hands in my pants for approx 20 seconds, He also put his Hand threw my Crack of my Buttocks. I Have Been Violated By this C.O. and Traumatized By these events that Have occurred to me.

it is not ~~to~~ in a C.O. Job Description to grab, Squeeze, fondle, grop, or Stroke another man's penis or testicals, let Alone put His Hand's inside my pants, Because per Directive "4910" the C.O. is to pat frisk me from a top my Clothing not place his Hand within my pants and Squeeze, grop, fondle, Stroke or grab my penis or testicals and per Directive "4910" if ~~or~~ for some reason the C.O. is to Have Reason or Happen to feel Something on me that he feels should not be he is to Report it to the area supervisor, Sgt or Higher in which I will Be taken to a Secluded area for me to Strip my self in front of the officer and supervisor and even then the officer is to not touch me only my clothing. And if this is to Happen it must Be loged. After He took His Hand out my pants he again touched my penis and testicals when he pat frisked my leg's when he Started at my testicals and

(2)

(Page #3 of grievance)

and penis and went down my left leg and then did the same to my right leg, I did not move while he searched me even tho how embarrassed I was that he grabbed my penis and testicals and the pain I felt when he squeezed my penis and testicals, Because he not only ordered me not to move, but also if I did move he would of thought that I wasn't complying with the search / patfrisk and the last thing I ~~want~~ is to move and I get thrown on the floor and taken to the box for moving and not complying with the patfrisk or Direct order Because he ordered me not to move. So I Held the pain in and the mental anguish I have Rethinking the incident that occurred. Also the incident prior to this one was with the same officer, But that incident he did not squeeze my penis and testicals, But he did grope, fumble and grabbed my penis and testicals But that incident was not as long approx 5 seconds long, But I do not remember the exact date But I know it was within two weeks of Ce-12-15 incident, on either mod-1 or mod-2 program runs, Also to make matters even worse the C.O. did not change his gloves Before he frisked me, which if the Inmate he searched Before me Had any disease, infection, Bacteria or any germs on him, due to him touching my testicals and penis and squeezing, fumbling, groping, stroking I could have those germs Bacteria, disease and infection on me due to him not changing his gloves. Also I want it to be noted and put on record that I have ~~not~~ been in my Recs for approx over 4 1/2 years and have never been written a misbehavior report for no

(Page #4 of Grievance)

Contis Band found in my cell or on my person and just ~~on~~ on 6-11-15 I Had a Cell Search, So I want it on Record that I fear Retaliation for this Complaint that I put in and filed! This Retaliation may not just come from Cois But any officer that works at the Facility, So far the Record I fear reprisal from all five point's employees, because many if not all employees will be aware of my Complaint and I will be targeted.

Action Requested: I request that the Co not Be Able to pat frisk any Inmates until he is properly trained to pat frisk Inmates, and I Dont ever want to be pat frisked By him ever again and no contact what so ever. Also I request the facts of Comors CS-521 and CS-523, date 6-12-15 the time Between 12:45pm - 1:15pm. And that this grievance Be properly processed.

I swear under the penalty of perjury that the ~~above~~ forgoing is true and correct

C.C. my file

Superintendent

AlBany

Home

Date 6-26-15

Romulus, NY 14541

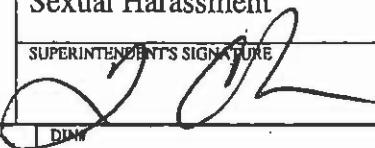
(4)

Respectfully Submitted,

Denny De Jesus

10B2030

10-B2-331

| | | |
|---|--|-----------------------------------|
|  Corrections and Community Supervision INMATE GRIEVANCE PROGRAM SUPERINTENDENT RESPONSE | GRIEVANCE NO. FPT-30438-15 | DATE FILED 7/1/15 |
| | FACILITY Five Points Correctional Facility | POLICY DESIGNATION I |
| | TITLE OF GRIEVANCE Sexual Harassment | CLASS CODE 49 |
| | SUPERINTENDENT'S SIGNATURE  | DATE: 10/14/2015 |
| GRIEVANT: Dejesus, D. | DIAM 10B2030 | HOUSING UNIT Marcy C.F. |

The grievant is advised that the allegations contained in this complaint have been investigated both as a grievance and a PREA.

During the investigation of the PREA, it was found through the video system that inmate Dejesus was never pat frisked. All the allegations made was found to be false and misleading and appeared to be in retaliation by him for a misbehavior report he had received and found guilty on, for an incident that took place on 5/6/15. In response to the complaint concerning the sexual abuse hotline we have never received any complaints of the system not working. The system was checked and found to be in good working order. Upon review of the information submitted, no misconduct by staff was found and no further action will be taken at this time. Grievance is denied.

RECEIVED

OCT 19 2015

IGRC

IGRC: RECEIPT ONLY

received
12/7/15 JB

APPEAL STATEMENT

If you wish to refer the above decision of the Superintendent, please sign below and return this copy to your Inmate Grievance Clerk. You have seven (7) working days from receipt of this notice to file your appeal.* Please state why you are appealing this decision to C.O.R.C.

See Attached Paper →

Denny A. Dejesus 10B2030

Grievant Signature

11-30-15

Date

JB
Grievance Clerk's Signature

12/9/15

Date

Attached Paper of Appeal

Denny DeJesus
1082030

11-30-15

SUPPORTING DOCUMENTATION

Hi I am appealing this Decision Because not only is the Superintendents Review and Decision Completely false, But not only was I not written a misBehavior Report on 5-10-15 which is false, But my last ticket was approx around the beginning of 2014 so not only is that part of the Superintendents Decision false but it never took place, Also the video will show me getting pat frisked and Being Sexually ABUSED, By An officer, in which you can see him place his Hand in my pants and Hold it in my pants for approx 20 seconds. Take a look A full request - VF-15-06-06, which is Being Held By Def. Thom's for me for one year untill I can pay for the video and in that video it will show my allegations are True. Also, The Hettar was Down at one point and other grievances were filed not just mine which I am failing now. The Superintendent Decision is false and was not properly investigated, And he is trying to Hide the Truth like Def Thom's is. I pray my appeal is granted and please inform me when my appeal is received.

✓ A full request VF-15-06-11 Shows the

incident Also,

C.L - my file

Albany

Inmate Grievance Clerk.

Respectfully Submitted,

Denny DeJesus

1082030

| | | | |
|--|--|-----------------------------|--------------------------------|
|  Corrections and Community Supervision | Grievance Number FPT-30438-15 | Design /Code I/49 | Date Filed 7/1/15 |
| | Associated Cases | | Hearing Date 2/10/16 |
| ANDREW M. CUOMO Governor | Facility Five Points Correctional Facility | | |
| INMATE GRIEVANCE PROGRAM CENTRAL OFFICE REVIEW COMMITTEE | Title of Grievance Sexual Harassment | | |

GRIEVANT'S REQUEST UNANIMOUSLY ACCEPTED IN PART

Upon full hearing of the facts and circumstances in the instant case, the action requested herein is hereby accepted in part.

CORC notes that the grievant could not identify the officer that allegedly sexually assaulted him on 6/12/15. It is noted that the videotape was reviewed, however, his allegations remain unsubstantiated. In addition, the sexual abuse hotline system was checked and found to be in working order.

It is noted that his allegations of sexual abuse are currently being investigated by the Office of Special Investigations.

With regard to the grievant's appeal, CORC notes for clarification that he received a MBR on 5/6/14 not 5/6/15 as alleged. CORC also notes that the investigation was conducted in accordance with Directive #4040, and that he has since been transferred.

RAL/mm

Grievance Regarding Retaliation:

To: IGRAC
Superintendent
Albany
P.S. - Dr. Soncini legal
Services - Kristina
moon

7-11-15

Incident: On 7-11-15 Sgt Gpachy to Block messHall
Sgt got my grievance from a captain I Don't know
His name But he called me down to the
interview Room, when I entered he told me
to Give him a minute, to Read the grievance,
he Started to tell me that even tho I Could
See the camera working on the monitor
in the Block Doesn't mean that they are
working, So he asked me why do I need
that footage and I explained that the Video
Shows me Speaking with A Sgt On 6.21-15
Regarding me not Seeing mental Health for a
PIRA incident, he Started to explain Because of
the man Hunt they had a lot of people out looking
for them, And I also told him that I informed
Other Sgts and nurses and Doctors that I
wanted to Speak to mental Health, and I told
him Sgt Allwood was the Sgt that Started my
investigation regarding my PIRA incident and that

Page #2 of Retaliation Grievance

7-11-15

I informed him that I wanted to speak to mental health multiple times. And I told him I just want to know why the camera was down and want the Sgt to say that I talked to him on 6-21-15 Regarding the mental health. And he wrote it down, then he read the part on my Grievance that says that I have no weapons or drug's in my cell and he asked why I put that, I told him just release of Retaliation and he said that me putting that went save me if the C.O's find something in my cell I told him I know But I Don't Have nothing and it will help me Show Retaliation if Something Does Happen to me Because I Been in other Jails and I know what Happen's to Inmate's that work up C.O's or officers. we Had a few other word's But I don't really remember, then I left and went back to my cell, approx around 3:30pm threw 4:00pm, they opened my cell doors and came to search my cell, the C.O's that searched my cell not only searched just mostly my side of my things in my cell, But Also the C.O's threw something's away

(d)

Page #3 of Retaliation grievance

7-14-15

that were mine's like Spoons, Highlighter, marker, ect
And they did not place it on my Contra Band Slips
ALSO I feel that, that Search of my cell was in
Retaliation Because I informed Sgt Gaphy that
I informed Atwood that I wanted to speak to
Mental Health But never seen them until 2
weeks later So that made Atwood aware and
Sent the C.O's to Search my cell and target my
Item's and not put on the ContraBand Slips
the item's that they took out of my cell. I
fear that I will be targeted a lot more now that
the Retaliation started. I fear I will be Set up
and taken to the Box or and Be Harassed and
Retaliated against a lot more, and might be written
a misbehavior report soon, I fear Retaliation not
only from C.O's But All five point's employees.

Action Requested: I want to know if the cell
Search was A Random from Albany or the
front office or Did the Sgt order it who

(3)

Page #4 of Retaliation Grievance

TO: Albany
IGRC
Superintendent

7-14-15

Ordered the Search? and I want the
V.deo Camera # CS-252 date of 7-11-15 time
approx Between 3:20pm @ threw 4:20pm Be
preserved for me to purchase, Also I want
Camera # CS-014 and CS-015 on the date of
7-11-15 time Between 12:45pm threw 1:25pm
To Be preserved for me to purchase and microphone #
M-08 date of 7-11-15 time Between 12:45 Threw 1:25pm
I want to not Be Retaliated against for writing
Grievance's Because it is my Right And I want it
put on Record that this Grievance is to Show
Retaliat.on And is only the Beginning. I fear that
I will Be set-up for writing not only this Grievance
But many others that I filed. And the Retaliat.on
Stems from my "Pred" Sexual Abuse claim
Grievance I put in against A officer! I fear not
Only for my life But Being set-up Also!

② C.L. Albany
IGRC
Superintendent

Respectfully Submitted
Denny De Jesus
10B2030
10-B2-33T

(41)

FORM 2131 (REVERSE) (REV. 11/11)

RESPONSE OF IGRC: FPT- 30538-15

August 21, 2015

Grievant complains that a cell search was not properly conducted. In response, the Captain states that he investigated the matter and found no misconduct by staff and "no evidence to substantiate" grievant's allegations. Given the Captain's response, the IGRC can take no further action at a committee level.

DATE RETUNED TO INMATE 8/26/15
 CHAIRPERSON M

Grievance denied
 IGRC MEMBERS Sgt Tupper
CD
M
D
TLV

RETURN WITHIN 7 CALENDAR DAYS AND CHECK APPROPRIATE BOXES.*

| | |
|---|---|
| <input checked="" type="checkbox"/> I DISAGREE WITH IGRC RESPONSE AND WISH TO APPEAL TO THE SUPERINTENDENT | <input type="checkbox"/> I HAVE REVIEWED DEADLOCKED RESPONSES. PASS THRU TO SUPERINTENDENT |
| <input type="checkbox"/> I AGREE WITH THE IGRC RESPONSE AND WISH TO APPEAL TO THE SUPERINTENDENT | <input type="checkbox"/> I APPEAL TO THE IGP SUPERVISOR FOR REVIEW OF DISMISSAL |

SIGNED Denny R. Jeter 10 B2030 8-31-15

GRIEVANT DATE

GRIEVANCE CLERK'S RECEIPT DATE

TO BE COMPLETED BE GRIEVANCE CLERK.

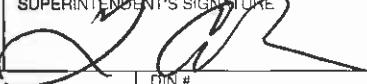
GRIEVANCE APPEALED TO THE SUPERINTENDENT _____

DATE

GRIEVANCE FORWARDED TO THE SUPERINTENDENT FOR ACTION _____

*AN EXCEPTION TO THE TIME LIMIT MAY BE REQUESTED UNDER DIRECTIVE #4040, SECTION 701.6(g)

4P

| | | |
|---|---|---------------------------------|
|  Corrections and Community Supervision INMATE GRIEVANCE PROGRAM SUPERINTENDENT RESPONSE | GRIEVANCE NO. FPT- 30538-15 | DATE FILED 7/27/15 |
| | FACILITY Five Points Correctional Facility | POLICY DESIGNATION I |
| | TITLE OF GRIEVANCE Improper Cell Search | CLASS CODE 25 |
| | SUPERINTENDENT'S SIGNATURE  | DATE 9/10/15 |
| GRIEVANT: Dejesus, D. | DIN # 10B2030 | HOUSING UNIT Marcy CF |

Your grievance was investigated by the IGRC committee and a security supervisor with involved staff interviewed and submitting written statements denying all allegations. You offered no rebuttal to the decision in this case or points that need to be addressed. There is no substantiated evidence to support your appeal.

Appeal denied.

APPEAL STATEMENT

If you wish to refer the above decision of the Superintendent, please sign below and return this copy to your Inmate Grievance Clerk. You have four (4) working days from receipt of this notice to file your appeal. Please state why you are appealing this decision to C.O.R.C.

first off I was never given a chance to rebuttal the Dicision at A IGRC hearing, and Also the cameras that Recorded All the proof I Had disappear due to a Supposedable equipment malfunction, in which I know the cameras were destroyed to hide the evidence that were on the cameras I failed.

Denny De Jesus 10B2030
Grievant's Signature

9-17-15 (Received this letter today)
Date

Grievance Clerk's Signature

Date

| | | | |
|---|---|--|--------------------------------|
|  Corrections and Community Supervision | Grievance Number FPT-30538-15 | Design /Code 1/25 | Date Filed 7/27/15 |
| | Associated Cases | | Hearing Date 1/27/16 |
| ANDREW M. CUOMO Governor | ANTHONY J. ANNUNCI Acting Commissioner | Facility Five Points Correctional Facility | |
| INMATE GRIEVANCE PROGRAM CENTRAL OFFICE REVIEW COMMITTEE | | Title of Grievance Improper Cell Search | |

GRIEVANT'S REQUEST UNANIMOUSLY ACCEPTED IN PART

Upon full hearing of the facts and circumstances in the instant case, the action requested herein is hereby accepted only to the extent that CORC upholds the determination of the Superintendent for the reasons stated.

CORC notes that CO M... frisked the grievant's cell on 7/11/15 as authorized by the DSS, and denies throwing away or damaging his property. The grievant, nevertheless, retains his right to pursue this matter further through the inmate claims mechanism as set forth in Directive #2733. It is noted that his concerns regarding housing unit cameras and OMH referrals were addressed in FPT-30464-15 and FPT-30543-15, dated 10/28/15 and 11/18/15, respectively.

CORC notes that Directive #4040, § 701.6 (b) states, in part, that no reprisals of any kind shall be taken against an inmate or employee for good faith utilization of this grievance procedure. An inmate may pursue a complaint that a reprisal occurred through the grievance mechanism. CORC advises the grievant to address safety matters to area supervisory staff at the time of incident for any remedial action warranted. He is further advised that he may initiate a FOIL request for consideration to obtain the video tapes he is requesting in accordance with existing facility procedures.

With respect to the grievant's appeal, CORC notes that he had the opportunity to submit an appeal statement when he returned the IGRC response on 8/31/15. CORC has not been presented with sufficient evidence of malfeasance by staff, and notes that he has since been transferred.

CMV/

Inmate Grievance Complaint

TO: IGRG
Superintendent
Albany

7-17-15

Incident: my reason for this grievance is because I recently failed some more cameras, and again they were down due to equipment malfunction. How is it that this is one of the newest facility but yet the cameras don't work? And to make matters worse this is an on going thing with cameras being down and not working. I feel that dep. Thoms that is in charge of the f.o.l office and responds is destroying the video footage. Because the video I asked for on 7-11-15 for request VF-15-07-06 which I got a response saying that the video was not to be preserved due to equipment failure, but I feel dep. Thoms is choosing what video footage to be shown and preserved due to what is on the video, which the cameras I failed show me talking to Sgt. Apache about my other f.o.l request grievance, which my cameras I asked for the equipment malfunction also, but I informed Sgt. Apache about why I need the video and I informed him that the video will show that I talked to a Sgt on 6-21-15 about me not seeing mental health immediately for a sexual abuse "preA" claim, and I also informed him that I informed him that I informed Sgt. Atwood and the other Sgt that started my preA investigation on 6-14-15 and also the nurses and Doctor I see. I informed also that I wanted to speak to mental health but yet I didn't see mental health until 2 weeks after the incident, and that the lady informed me that she gets 10 business days from the time she received my letter to see me but I told Sgt. Apache that the facility or Sgt Atwood,

To: I.G.A.C
Superintendent
Albany.

7-17-15

Or Sgt Rosiano the 10 Block Sgt on 6-21-15 that I informed that I wanted to speak to mental Health or the nurses and Doctor I spoke to. Should have informed mental Health that I wanted to speak to them. But now Did Because it took me 2 weeks to see mental Health. Also I failed another camera (S-252 which is the B2 gallery in 10 Block Camera facing my cell which on 7-11-15 time approx 3:20pm threw 4:20pm Shows C.O.'s cell searching my cell which Sgt Atwood was the Black Sgt at night, in which in the morning I talked to Sgt Atwood and informed him of the incident and of Sgt Atwood not reporting my PNA incident to mental Health, in which Sgt Atwood sent the C.O.'s to search my cell in retaliation of my grievance and in the cell search the only searched mostly my items and threw some of my items away like highlighters, pens, markers, ect and did not write it down on my contraband receipt. that is why those cameras were down due to equipment failure because if they were not destroyed the video and microphones will show and you will hear me and Sgt Specchi's conversations. And the cameras footage will show the items the C.O.'s threw away and them searching my cell. That's why I do not believe the equipment malfunction and I know the cameras were destroyed to not show my incident and proof of it. I feel Rep Thomis is being bias and discriminating in who he wants to show the video footage to and what video footage to show. The record show that when Inmates ~~on~~ want videos preserved that can get an employee of the pants in trouble the cameras disappear. But when it doesn't the cameras

(2)

page #3 of grievance

To: IGAC
Superintendent
Albany

7-17-15

don't disappear. Why is that?

Action Requested: I want to know why were All the

Cameras and microphones I asked for down on 7-11-15 that I asked for in ~~for~~ for Request VF-15-07-06? Why were they down? from when were they down? When was the work order put in to fix the microphones and cameras? And who put the work order in? who fixed the cameras and microphones and when were the cameras fixed? And microphones fixed? What was wrong with the equipment? I want to know how is it a coincidence that All the cameras and microphones I asked for that Show a Sgt and F.O's in the wrong down. who is in charge of the ~~for~~ offec ~~for~~ Request? I want the facility to check all cameras to make sure they are working. And I want to know who destroyed my evidence in the cameras footage I showed for?

C.C. IGAC
Superintendent
Albany

Respectfully Submitted,
Denny De Jesus
10B2030
10B233T

FORM 2131 (REVERSE) (REV. 11/11)

RESPONSE OF IGRC: FPT- 30543-15

August 17, 2015

Grievant insists that facility video footage is not properly preserved and that he is being denied access to certain footage. In response, the Captain states that the CCTV equipment is outdated and that failures are out of the facility's control. The Captain further states that every effort is made to keep the system running. Given the Captain's response, the IGRC is unable to take any further action on this grievance.

DATE RETUNED TO INMATE 8/20/15
 CHAIRPERSON M

IGRC MEMBERS

Grievance denied

Sgt. Cason
TC
D
ZTIV

RETURN WITHIN 7 CALENDAR DAYS AND CHECK APPROPRIATE BOXES.*

| | |
|---|---|
| <input type="checkbox"/> I DISAGREE WITH IGRC RESPONSE AND WISH TO APPEAL TO THE SUPERINTENDENT | <input type="checkbox"/> I HAVE REVIEWED DEADLOCKED RESPONSES. PASS THRU TO SUPERINTENDENT |
| <input type="checkbox"/> I AGREE WITH THE IGRC RESPONSE AND WISH TO APPEAL TO THE SUPERINTENDENT | <input type="checkbox"/> I APPEAL TO THE IGP SUPERVISOR FOR REVIEW OF DISMISSAL |

SIGNED _____

GRIEVANT

DATE

GRIEVANCE CLERK'S RECEIPT

DATE

TO BE COMPLETED BY GRIEVANCE CLERK.

GRIEVANCE APPEALED TO THE SUPERINTENDENT _____

DATE

GRIEVANCE FORWARDED TO THE SUPERINTENDENT FOR ACTION _____

*AN EXCEPTION TO THE TIME LIMIT MAY BE REQUESTED UNDER DIRECTIVE #4040, SECTION 701.6(g)

BD

| | | |
|---|---|--------------------------------|
|  Corrections and Community Supervision INMATE GRIEVANCE PROGRAM SUPERINTENDENT RESPONSE | GRIEVANCE NO. FPT-30543-15 | DATE FILED 7/28/15 |
| | FACILITY FIVE POINTS CORRECTIONAL FACILITY | POLICY DESIGNATION 1 |
| | TITLE OF GRIEVANCE NON-WORKING CAMERAS | CLASS CODE 50 |
| | SUPERINTENDENT'S SIGNATURE  | DATE 9/11/15 |
| GRIEVANT: DEJESUS, Denny | DIN # 10B2030 | HOUSING UNIT Marcy |

The investigation agrees with the IGRC response. The grievant provided no new documentation to support his appeal.

Grievance denied.

APPEAL STATEMENT

If you wish to refer the above decision of the Superintendent, please sign below and return this copy to your Inmate Grievance Clerk. You have four (4) working days from receipt of this notice to file your appeal. Please state why you are appealing this decision to C.O.R.C.

*I am appealing Because I Disagree With IGRC and
Superintendent Decision, Because I was not given an IGRC Hearing
or investigated in this matter, and IS a ~~COINCIDENCE~~ COINCIDENCE THAT
all the Cam's I asked for are down, and I feel they are Being Destroyed.
Denny DeJesus*

Grievant's Signature

9-20-15
Date

Grievance Clerk's Signature

Date

| | | | |
|--|--|---|--|
|  Corrections and Community Supervision | Grievance Number FPT-30543-15 | Desig./Code I/50 | Date Filed 7/28/15 |
| | Associated Cases | | Hearing Date 11/18/15 |
| ANDREW M. CUOMO Governor | ANTHONY J. ANNUNCI Acting Commissioner | Facility Five Points Correctional Facility | |
| INMATE GRIEVANCE PROGRAM CENTRAL OFFICE REVIEW COMMITTEE | | Title of Grievance Non-Working Cameras | |

GRIEVANT'S REQUEST UNANIMOUSLY DENIED

Upon full hearing of the facts and circumstances in the instant case, the action requested herein is hereby denied.

CORC notes that the grievant's concerns regarding video equipment, FOIL requests and the facility IGP were addressed in its prior decision FPT-30464-15, dated 10/28/15. The system occasionally malfunctions preventing certain video recordings from being retrievable in the Loronix system, and the facility makes every effort to prevent equipment failures. Further, concerns regarding a cell search are addressed in FPT-30538-15, which is pending CORC disposition, grievances are processed in accordance with Directive #4040, and IGRC staff deny tampering with his complaints. CORC also notes that Office of Mental Health (OMH) referrals were submitted for the grievant on 6/14 and 6/15/15, and he was subsequently seen on 6/26/15.

CORC advises the grievant that he may initiate a Freedom of Information Law Request (FOIL) for consideration to obtain the document he is requesting in accordance with existing Facility procedures. In addition, CORC asserts that any person whose application to inspect or obtain a copy of a Department record has been denied in whole or in part (including deletions) may appeal the decision in accordance with Directive #2010.

CORC defers to Departmental Directive #4040, INMATE GRIEVANCE PROGRAM, § 701.3 (e) (1), which states, in part: ...An individual decision or disposition of any current or subsequent program or procedure having a written appeal mechanism which extends review to outside the facility shall be considered non-grievable. Consequently, the grievance program cannot be used as an additional or substitute appeal mechanism. Accordingly, CORC assumes no jurisdiction in this issue.

With respect to the grievant's appeal, CORC notes that the IGRC hearing for the instant complaint was conducted on 8/17/15. CORC has not been presented with sufficient evidence of malfeasance by staff notes that he has since been transferred. He is advised to address FOIL concerns to the FOIL Officer, grievance issues to the IGP Supervisor and OMH concerns to that agency.

JNA/

g. evans

I.C.R.C.

6-21-15

My Reason for writing this g. evans is
 Because it has been over a week since I reported
 an incident that occurred on 6-12-15, and I have
 not seen mental health yet. I'm pretty sure that
 in my case of me being Sexually ABUSED it
 Should be an emergency for me to See mental health,
 and I informed many stores employees, which when I was
 first investigated Sgt. Alwood and another Sgt. f. in Colvert,
 I informed them that I wanted to speak to mental
 health, And I was told that they don't think that
 there is mental health on the weekend But they will
 check, So I was taken to infirmary and I talked to
 A nurse she took my first urine sample with blood
 in it, and I explained to the nurse what happened and
 told him that I wanted to see mental health, then
 on 6-15-15 I seen A Doctor and a nurse that seen
 me and checked me in ~~and~~ what the nurse was
 A witness, But while they checked me I informed
 the Doctor and nurse that I wanted to speak to
 mental health and the Doctor said I will see mental health
 very soon and that there is the best mental health in the
 jail or something like that, then I asked the nurse
 was I gonna see mental health today and she said no,
 so I wanted But not only did I write two times But
 informed ~~me~~ plenty of people, and still have not been seen,
 in my case it's an emergency to see mental health just
 like medical, But I seen medical already, so why can't
 I see mental health, I feel my claim is not being
 properly taken by the steps of the seeing mental health, which
 I talked to the Sgt of 810 Block earlier today and I explained
 my situation and he said his ears and know for sure but
 thinks that I should have seen mental health already.

Page #2 of grievance

6-21-15

Now ~~I~~ just saw a packet from Disarray legal services regarding sexual abuse of February 2013. And it says that treatment for sexual abuse includes ongoing medical and mental health care even if transferred to another facility and free of cost and Doce must provide emergency and ongoing medical and mental health care free of charge. Now in my case it's been over a week and still have not seen mental health, and emergency is fast within the last few days, so mental health is not following procedure.

Action Requested: I want to know what is the policy and procedure for me seeing mental health in a sexual abuse claim? ~~why haven't I seen mental health yet~~ when I informed many Doce's employees that I wanted to see mental health and should have seen mental health in an emergency 14 minutes but it's been over a week and still have not seen mental health why? I went the facility and Albany to change the timeline that an inmate should see mental health in a sexual abuse claim and when he request to see mental health, because it should not be over a week or not even a week.

L.L. my file
36RC
Albany
Superintendent

Respectfully Submitted,
Deany De Jesus
10-B2c30
10-B2-33T

| | | |
|---|--|---------------------------|
|  Corrections and Community Supervision INMATE GRIEVANCE PROGRAM SUPERINTENDENT | GRIEVANCE NO. FPT-30420-15 | DATE FILED 6/25/15 |
| | FACILITY Five Points | POLICY DESIGNATION |
| | TITLE OF GRIEVANCE OMH | CLASS CODE 22 |
| | SUPERINTENDENT'S SIGNATURE  | DATE 6/30/15 |
| GRIEVANT DeJesus, D | DIN 10B2030 | HOUSING UNIT 10-B2-33T |

OMH is a separate entity, not under the jurisdiction of DOCCS. In accordance with directive #4040, 701.3 (e) & (f), your complaint is being forwarded to the OMH unit chief for whatever remedial action is deemed appropriate.

APPEAL STATEMENT

If you wish to refer the above decision of the Superintendent please sign below and return this copy to your Inmate Grievance Clerk. You have seven (7) calendar days from receipt of this notice to file your appeal.* Please state why you are appealing this decision to C.O.R.C.

GRIEVANT'S SIGNATURE

DATE

GRIEVANCE CLERK'S SIGNATURE

DATE

*An exception to the time limit may be requested under Directive #4040, section 701.6 (g)
Form 2133 (02/15)

Grievance

IGRC,

6-19-15

My reason for writing this grievance is because On 6-14-15 I went to infirmary approx around 1:30 AM, now once I got there I talked to the nurse that was working that morning and informed him of my incident, now I informed him that I passed blood, so he gave me a cup to piss in, so approx 1 hour later I pissed in the cup in which I noticed that my urine was light red so I knew I still had blood in my urine, I was urinating with blood in my urine since 6-12-2015 approx around 5:00 pm, now once I gave him the urine he never came back, now the same day but after I went to sleep and woke up since it was approx 2:30 in the morning I woke up and I don't remember the exact time but some time in the morning I saw a nurse and told her and asked her if I can have some pain medication, because I had pain and she asked me where I had pain and I told her my private parts, so she grabbed some ibuprofen and gave it to me and said I would see a doctor tomorrow, which was 6-15-15. So Monday came 6-15-15 in the morning approx 8-9 AM the nurse came which I don't know her name but she is older and has a big limp and she was a witness to the doctor checking me but she brought me a cup and said she needed another urine sample so she gave me another cup to urinate in and came back in like 45 minutes, to get the urine, then approx around 11:00 AM, the doctor said that same nurse came to check my vital signs and then the doctor talked to me and asked what happened in which I told her, then she checked me to see if I was still bruised or swollen, and I asked her if there was any blood in the second urine sample I gave the nurse and she said there was a little bit of blood, now the doctor told me that I will be seeing mental health soon when I asked

Page #2 of grievance

(Cr 19-15)

Her and then she left. Now approx at 12:15pm, on 6-15-15 I got approved to return back to the block the C.O. came and told me that I'm waiting for an escort. The same nurse that took my urine and was a witness to the Doctor checking me came to see me before I left to give me some medications and I asked her if there was any blood in the urine I gave her and she told me yes a little bit. Now I went to sick call Thursday morning 6-18-15 because I needed some pain medications, now the nurse gave me the medications and I asked her if the results came back of the urine I gave the infirmary. She looked and told me the urine I gave them on 6-15-15 had no blood in it, but yet the Doctor and nurse told me there was. Also I asked the sick call nurse if it was on file of the urine I gave them when I first arrived at infirmary on 6-14-15, and she told me that she did not find nothing stating that they took my urine on ~~6-14~~ Sunday 6-14-15 or if there was blood in it. Now on 6-18-15 Thursday I was taken to infirmary to give a urine sample to test, now by the nurse telling me that it was not on file I started to refuse to give my urine to get tested because I felt that there was some foul play going on, but that same nurse I seen at sick call walked in when I was refusing and said that she found what I asked for that it did say in my file that the urine I gave Sunday morning 6-14-15 did in fact have blood in my urine. I understand the nurse made a mistake but I need to know for sure.

Action requested: first I want to know the name of the nurse I seen on 6-14-15 when I first arrived at infirmary and the nurse that got my urine and the Doctor that

page # 3 of grievance

6-19-15

Checked me and told me that there was Blood in the Second Urine I gave them on 6-15-15, Also I want to know all name's involved in my stay At infirmary that saw me, took my urine, checked me ect, Also I want to know why did the Doctor and nurse say that there was a little Blood in the urine I gave them on 6-15-15 But yet upon knowledge and belief it says that there was no Blood in my urine on my medical files? why? I want a copy of my medical file records from the date of 6-12-15 - 6-19-15. I Also want to know if the urine that I gave on 6-14-15, if it had Blood in it, if yes how much and what was the lab results of All the urine I gave, on 6-14-15, 6-15-15, and 6-18-15.

C.C. my file

AIBeny

Superintendent

IGRC

Respectfully Subm. & trd,

Denny De Jesus

10-B2-30

10-B2-33T

| | | |
|---|--|---------------------------|
|  Corrections and Community Supervision INMATE GRIEVANCE PROGRAM SUPERINTENDENT | GRIEVANCE NO. FPT-30454-15 | DATE FILED 7/2/15 |
| | FACILITY Five Points | POLICY DESIGNATION |
| | TITLE OF GRIEVANCE OMH | CLASS CODE 50 |
| | SUPERINTENDENT'S SIGNATURE  | DATE |
| GRIEVANT DeJesus, D | DIN 10B2030 | HOUSING UNIT 10-B2-33T |

OMH is a separate entity, not under the jurisdiction of DOCCS. In accordance with directive #4040, 701.3 (e) & (f), your complaint is being forwarded to the OMH unit chief for whatever remedial action is deemed appropriate.

APPEAL STATEMENT

If you wish to refer the above decision of the Superintendent please sign below and return this copy to your Inmate Grievance Clerk. You have seven (7) calendar days from receipt of this notice to file your appeal.* Please state why you are appealing this decision to C.O.R.C.

GRIEVANT'S SIGNATURE

DATE

GRIEVANCE CLERK'S SIGNATURE

DATE

*An exception to the time limit may be requested under Directive #4040, section 701.6 (g)
Form 2133 (02/15)

Attached paper -

Defendants - Anthony Annucci, Carl Koenigsmann, Karen Balleray, Jeffery A. Hale, John Doe Superintendent at Five Points, M.Thomis, John Doe mental Health unit chief, Mardi Schultz, Sgt. Atwood, Sgt. A Pecky, C.O. McCargan, C.O. John Doe.

Related cases: Western District of New York was filed on 2-8-13 and I am awaiting trial which the date is 10-31-16.

CIVIL COVER SHEET

16 CV 6470 EAW

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Denny De Jesus 10B2030

DEFENDANTS

See Attached Paper →

(b) County of Residence of First Listed Plaintiff Oneida
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Seneca
(IN U.S. PLAINTIFF CASES ONLY)

NOTE IN LAND CONDEMNATION CASES. USE THE LOCATION OF THE TRACT OF LAND INVOLVED

Attorneys (If Known)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Denny De Jesus 10B2030 - pro se

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

| | |
|--|---|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversify (Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

| | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 2 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 5 |
| Citizen of Another State | <input type="checkbox"/> 3 | <input type="checkbox"/> 4 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 6 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 4 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 7 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
|---|---|--|--|--|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice | <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark |
| REAL PROPERTY | CIVIL RIGHTS | PRISONER PETITIONS | SOCIAL SECURITY | |
| <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 445 Amer w/Disabilities - Employment <input type="checkbox"/> 446 Amer w/Disabilities - Other <input type="checkbox"/> 448 Education | Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement | <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act | <input type="checkbox"/> 861 HIA (1395ft) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) |
| | | | IMMIGRATION | FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 |
| | | | | <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions |

V. ORIGIN (Place an "X" in One Box Only)

Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation

| | | | | | |
|---------------------|---|--|--|--|--|
| VI. CAUSE OF ACTION | Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity) | | | | |
| | 42 U.S.C. 1983 Civil Rights Action. | | | | |

| | | | | | |
|------------------------------|--|-------------------------------|---|--|--|
| VII. REQUESTED IN COMPLAINT: | <input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P | DEMAND \$ <u>1,500,000.00</u> | CHECK YES only if demanded in complaint JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | |
| | | | | | |

| | | | |
|------------------------------|---------------------------|--------------------------------------|--|
| VIII. RELATED CASE(S) IF ANY | <i>(See instructions)</i> | JUDGE <u>Hon. E. Zebeth. Wolford</u> | DOCKET NUMBER <u>6:13-cv-06660-EAW-SWJ</u> |
| | | | |

| | | |
|------|----------------|---------------------------------|
| DATE | <u>6-20-16</u> | SIGNATURE OF ATTORNEY OF RECORD |
| | | <u>Denny De Jesus 10B2030</u> |

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFF JUDGE MAG JUDGE

Derry Dr. Twp 1082030

Stacy Collected Friday

For Bill Block

May 24 1963



Legal
Bill

Clerk's Office
United States District Court
2120 U.S. Court House
100 State Street
Rochester, N.Y. 14614-1351

1963
JUN 26
1963